

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 N/S Old Mt. Carmel Rd., 210' W c/l
 60' R/W State Hwy. Fac., NWC * ZONING COMMISSIONER
 I-83, (312-314 Old Mt. Carmel Rd)
 7th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District
 General German Aged Peoples * Case Nos. 97-40-A & 97-41-A
 Home of Baltimore City,
 Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a combined hearing on Petitions for Variance for the adjacent properties located at 312 Old Mt. Carmel Road and 314 Old Mt. Carmel Road in northern Baltimore County. The Petitions are filed by the General German Aged Peoples Home of Baltimore City, owner of both properties. As to case No. 97-40-A (312 Old Mt. Carmel Road) zoning variances are requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow a 2 ft. side yard setback, in lieu of the 2-1/2 ft. required, and a 4 ft. rear yard setback in lieu of the 30 ft. required, both for an existing garage (accessory structure). Also requested for the property at 312 Old Mt. Carmel Road is a variance for an existing primary structure to allow a side yard setback of 26 ft. in lieu of the required 30 ft.

As to case No. 97-41-A (314 Old Mt. Carmel Road) 3 variances are also sought from Section 238.2 of the BCZR. Two are for a principal structure and one for a detached garage. As to the principal structure, relief is requested for a 0 ft. side yard setback, in lieu of the required 30 ft., and a 19 ft. side yard setback in lieu of the required 30 ft. For the garage, variance relief from Section 400.1 of the BCZR is requested to allow a 0 ft. rear yard setback in lieu of the required 30 ft. Both of the subject properties and all of the requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variances.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Appearing at the public hearing held for these cases was Cynthia E. Riley, on behalf of the Petitioner and property owner. Also present was Eugene L. Cavey. Bruce E. Doak, a Registered Professional Land Surveyor also appeared and testified. The Petitioner was represented by Julie Wright, Esquire, of Whiteford, Taylor and Preston. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence offered was that the subject properties are two adjacent lots located near the interchange of I-83 (Baltimore Harrisburg Expressway) and Mt. Carmel Road. The property located at 312 Old Mt. Carmel Road is .27 acres in area. It is improved with a 1-1/2 story stucco structure which was, at one time, used as a dwelling. The property is to be converted for office use. The property known as 314 Old Mt. Carmel Road abuts 312 Old Mt. Carmel Road and is .25 acres in area. It is also improved with a 1-1/2 story stucco structure and a detached garage. Both properties are zoned B.R.

Mr. Doak indicated that the primary structures on both properties are to be used for offices and business purposes. In order to effectuate this change of use, the property owner approached Baltimore County about obtaining a use permit. After reviewing the site plan and the proposed plans, the property owner was advised by the Zoning Office that the subject variances were necessary.

Mr. Doak also noted that the structures on both properties have been in existence for many years. It was indicated that they were built in the 1940s, well before the adoption of the current Baltimore County Zoning Regulations. The variances which are requested are necessitated by development in the area since the construction of these buildings. Specifically, to the south, State Highway Administration acquired a substantially large piece of property for use as a parking lot and storage area. It was

ORDER RECEIVED FOR FILING
Date 9/6/96
By [Signature]

indicated that when the State Highway acquired this site, they did so by condemnation and took lands which established a property line immediately adjacent to the garages which are situated on the subject property. Thus, the variance relief for those garages was necessitated by this State's taking of adjacent property and utilization of same by the State Highway Administration.

A similar circumstance exists to the northwest of the site. Particularly, lot #314 lies immediately adjacent to the right of way for Interstate 83. This right of way was created when that highway was constructed and has resulted in extremely small setbacks for the side and rear of the existing structure. As to the structure on 312 Old Mt. Carmel Road, variance relief is requested to the side property line.

Based upon the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the Petitions for Variance. The adaptive reuse of these structures is to be applauded and they will be put to an appropriate purpose. It is to be noted that, in addition to the State Highway Administration property and I-83, a fuel service station is also located nearby. Use of the structures to house offices is an entirely appropriate use.

Moreover, I am convinced that the Petitioner has satisfied the burden set forth in Section 307 of the BCZR. The variances were mandated by the acquisition of the adjacent properties for governmental uses. These factors have surely created practical difficulty upon the Petitioner and have rendered strict compliance with the regulations impossible. Thus, the Petitions for Variance shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.


THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of September, 1996 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow a 2 ft. side yard setback, in lieu of the 2-1/2 ft. required, and a 4 ft. rear yard setback, in lieu of the 30 ft. required, both for an existing garage (accessory structure), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing primary structure to allow a side yard setback of 26 ft. in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, regarding case No. 97-41-A (314 Old Mt. Carmel Road), a variance from Section 238.2 of the BCZR for a 0 ft. side yard setback, in lieu of the required 30 ft., and a 19 ft. side yard setback in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the BCZR to allow a 0 ft. rear yard setback in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 5, 1996

Julie Wright, Esquire
Whiteford, Taylor, Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. 97-40-A and 97-41-A
Petitions for Zoning Variances
Property: 312 and 314 Old Mt. Carmel Road
General German Aged Peoples Home of Balto. City, Petitioners

Dear Ms. Wright:

Enclosed please find the decision rendered in the above captioned cases. The Petitions for Zoning Variances have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att.

c: Ms. Cynthia Riley, Agent
General German Aged Peoples Home, 24 Mt. Carmel Road, Parkton 21120
c: Mr. Eugene L. Cavey, P.O. Box 287, Monkton, Md. 21111

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 312 OLD MT. CARMEL ROAD

97-40-A

which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 TO ALLOW A 2.0 FOOT SIDEYARD SETBACK IN LIEU OF THE REQUIRED 30 FEET. EACH (for garage) & a side yard setback 26' in lieu of the required 30 ft. (for the existing bldg).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

THE SETBACK FOR THE EXISTING GARAGE DOES NOT COMPLY WITH THE CURRENT ZONING REGULATIONS BECAUSE THE GARAGE WAS BUILT WITHOUT THE BENEFIT OF A SURVEY.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): GENERAL GERMAN AGED PEOPLES HOME OF BALTIMORE CITY

(Type or Print Name)

Signature

CYNTHIA E. RILEY, AGENT

Signature

206 DAIRY RD. (410) 329-2100

Address

Phone No.

PARKTON

MD

21120

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

GERHOLD CROSS & ETZEL

Name

320 E TOWSONTOWN BLVD A23-4470

Address

Phone No.

TOWSON MD 21286

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

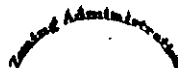
DATE

7/26/96



Printed with Soybean Ink on Recycled Paper

MICROFILMED



40

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

97-40-A

July 25, 1996

40

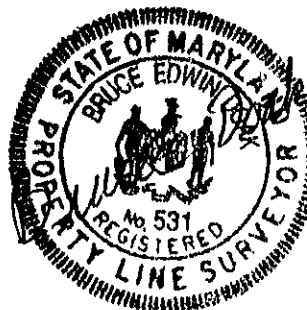
Zoning Description for 312 Old Mt. Carmel Road

Beginning at a point on the northern right-of-way line of Old Mt. Carmel Road (40 feet wide) being westerly 210 feet, more or less, along the said right-of-way line from the centerline of the 60 foot wide right-of-way leading to the State Highway Administration facility near the northwest corner of the interchange of Interstate 83 and Mt. Carmel Road (Relocated) and thence running from said point of beginning and binding on said right-of-way line the following course and distance, viz: 1) North 69 degrees 27 minutes 13 seconds West 90.01 feet, thence leaving said right-of-way and running the three following courses and distances, viz: 2) North 35 degrees 53 minutes 45 seconds East 139.85 feet, 3) South 65 degrees 31 minutes 44 seconds East 84.26 feet, and 4) South 34 degrees 04 minutes 47 seconds West 132.78 feet to the point of beginning.

Containing 11,548 square feet or 0.27 of an acre, more or less.

Note: This description is not for conveyance purposes and only fulfills the requirements of Baltimore County Office of Zoning.

germ312.zde



MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 97-40-A

District 7th Date of Posting 8/9/96

Posted for: Variance
appt

Petitioner: Bonard Bonner People Home of Balto City

Location of property: 312 Mt Carmel Rd

Location of Signs: Along road & by on property being zoned

Remarks: _____

Posted by M. Hardy Date of return: 8/16/96
Signature

MICROFILMED



NOTICE OF HEARINGS

The Zoning Commissioners of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property, identified herein, in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #37-40-A
(Item 40)
312 Mount Carmel Road
N/S Mount Carmel Road, 210
W of Ct of State Highway
7th Eadon District
3rd Councilmanic
Legal Owner(s):
General German, Agel Peo-
ples Home of Baltimore City
Variance: to allow a 2 foot
side yard setback and a 4 foot
rear yard setback in lieu of the
required 30 feet each (for a
garage) and a side yard set-
back of 25 feet in lieu of the re-
quired 30 feet (for the existing
building).
Hearing: Wednesday, Septem-
ber 4, 1996 at 10:00 a.m. in
Rm. 106, County Office Build-
ing.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations
Please Call 887-3353.
(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3391.

8/15/96 August 8.

C72842

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/8, 1996

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 8/8, 1996.

THE JEFFERSONIAN,

A. H. Miller
EDITOR, MD. - TOWSON

ENCLOSURE

TO: PUTTUXENT PUBLISHING COMPANY
August 8, 1996 Issue - Jeffersonian

Please forward billing to:

Cynthia A. Riley
General German Aged Peoples Home of Baltimore City
206 Dairy Road
Parkton, Maryland 21120
329-2100

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-40-A (Item 40)
312 Mount Carmel Road
N/S Mount Carmel Road, 210' W of c/l of State Highway Facility near NWC I-83
7th Election District - 3rd Councilmanic
Legal Owner(s): General German Aged Peoples Home of Baltimore City

Variance to allow a 2 foot side yard setback and a 4 foot rear yard setback in lieu of the required 30 feet each (for a garage) and a side yard setback of 26 feet in lieu of the required 30 feet (for the existing building).

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 2, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-40-A (Item 40)
312 Mount Carmel Road
N/S Mount Carmel Road, 210' W of c/l of State Highway Facility near NWC I-83
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Legal Owner(s): General German Aged Peoples Home of Baltimore City

Variance to allow a 2 foot side yard setback and a 4 foot rear yard setback in lieu of the required 30 feet each (for a garage) and a side yard setback of 26 feet in lieu of the required 30 feet (for the existing building).

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 10:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

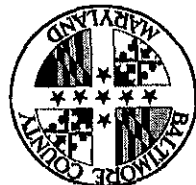
Arnold Jablon
Director

cc: General German Aged Peoples Home of Baltimore City
Gerhold Cross & Etzel

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





DIRECTOR

A handwritten signature in black ink, appearing to be "J. J. [unclear]", written over the word "DIRECTOR".

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204

BUILDINGS ENGINEER

A handwritten signature in black ink, appearing to be "John R. [unclear]", written over the words "BUILDINGS ENGINEER".



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 29, 1996

Ms. Cynthia E. Riley
General German Aged Peoples Home
206 Dairy Road
Parkton, MD 21120

RE: Item No.: 40
Case No.: 97-40-A
Petitioner: Cynthia Riley

Dear Ms. Riley:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

RECEIVED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 9, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 12, 1996
Item Nos. 026, 027, 028, 031, 032,
034, 035, 036, 037, 040, 041, and
042

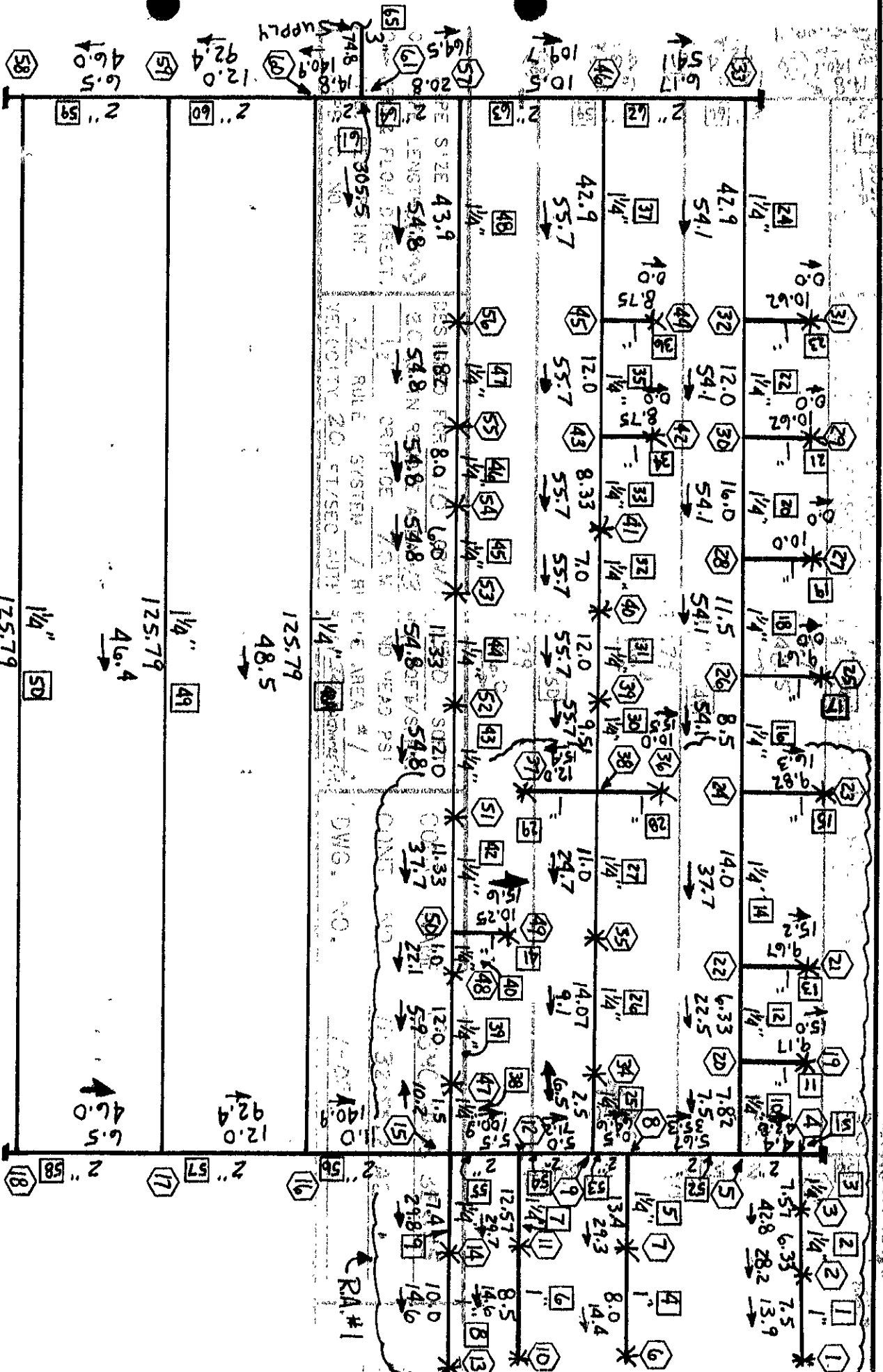
The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE21

RECEIVED



1" PIPE SIZE	DESIGNED FOR .10 GPM/ 1500 SOFT	CONT. NAME: GBMC Units 35645
0.0 PIPE LENGTHS (Total)	20 AS IN REMOTE AREA / 30 MAX SOFT/SPRK.	CONT. NO. 11-321512-A2
0.0 GPM & FLOW DIRECT.	1/2" ORIFICE 7.0 MIN END HEAD PSI	DWG. NO. 1-OF-1
HYD. REF. POINT	1.2 RULE SYSTEM / REMOTE AREA # /	
PIPE PC. NO.	VELOCITY 20 FT/SEC AUTHORITY 125, 800 GPM/FT	

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Aug 8, 91

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 5, 91

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 26
27
29
30
31
32
34
36
37
40
41
42

RBS:sp

BRUCE2/DEPRM/TXTSBP

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
TOWSON, MARYLAND 21204



PLUMBING PERMIT

DIRECTOR

A handwritten signature in black ink, likely belonging to the Director, is written over the word "DIRECTOR".

PERMIT #: P280036 CONTROL #: 280036 DIST: 11 PREC: 00

JOB NUMBER: 1-2-921
REMARKS SMD..HEALTH JOB CONTRACT #92262
DRAWING NUMBER: 91-040 A10

SEWER LOCATION: RATML
Y BRANCH IS 0+24
DEPTH 12
DEPTH 13.2
LINEAL FEET OF
HOUSE CONNECTION 23.00

BUILDINGS ENGINEER

A handwritten signature in black ink, likely belonging to the Buildings Engineer, is written over the words "BUILDINGS ENGINEER".

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/07/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: GENERAL GERMAN AGED PEOPLES HOME OF BALTO. CITY

Location: N/S OLD MT. CARMEL RD. 210' W OF CENTERLINE 601 R/W TO STATE
HIGHWAY FACILITY NEAR NWC I-83 (312 OLD MT. CARMEL RD.)

Item No.: 040

Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

JES
MICROFILMED

cc: File



Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kasso
Administrator

8-5-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 040 (JJS)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: August 1, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 18, 26, 29, 31, 32, 34, 35, 36, 37, 39, 40, 41, and 42

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Barry L. Clem

PK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
312 Old Mount Carmel Road, N/S Old Mount	*	
Carmel Road, 210' W of c/l 60' R/W to	*	ZONING COMMISSIONER
State Highway Facility near NWC I-83,	*	
7th Election District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
General German Aged Peoples Home	*	CASE NO. 97-40-A
of Baltimore City	*	
Petitioners	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, MD 21286, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

97-40 A

97-41-A

Julie Wright-

BR

314 next to I-83

lots were existing prior
to I-83

✓ prior to SH A lot

314 - house fronts old NH
Canal

0' foot sideyard
19 foot rear yard

property BR -

structure there for 50 years

garage - 0 in lieu
~~20~~ for rear yard
30

312-

Garage 2 feet in front of
2.5 ft side

Rear - 4 in front of 30

312 - was house -
general office

26 in front of 30 for
side yard -

- all are existing structures -
practical difficulty -
taking by state - I-83 +
SHA -

Use permit triggered
this

PLEASE PRINT CLEARLY

PETITIONER'S
PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Julia Wright / WHITEFORD, TAYLOR, PRESTON
(REPRESENTING PETITIONER)

210 W PENNSYLVANIA AVE, TOWSON

BRUCE E. DOAK - GERHOLD, CROSS & ETZEL, LTD.

320 E TOWSONTOWN BLVD. TOWSON MD. 21286

CINDY RILEY

24 MT. CARMEL RD., PARKTON MD 21120

Eugene L. Carvey

P.O. Box 287 16094 York Rd (Hereford)
Monkton Md
21111



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

May 31, 1995

J. Carroll Holzer, P.A.
HOLZER and LEE
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: Case No. 94-452-XA
Baltimore Gas & Electric Co.
/Ivy Hill Substation

Dear Mr. Holzer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Weidenhammer
Administrative Assistant

encl.

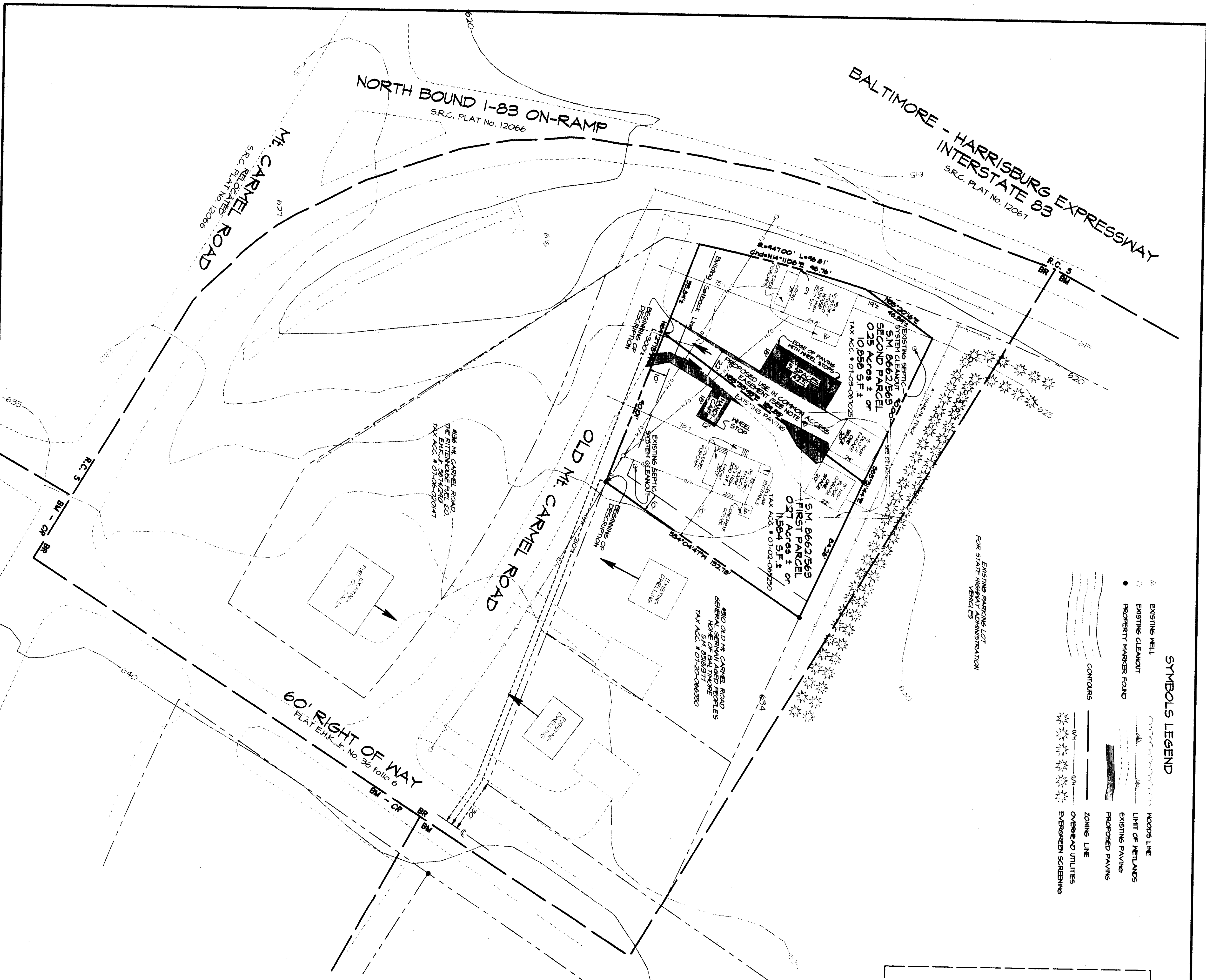
cc: Andrew Lansman, et al
Robert A. Hoffman, Esquire
Martha A. Delea, Esquire
Baltimore Gas & Electric Co.
Mr. & Mrs. Frederick Vinup
Mr. & Mrs. Raymond Fischer
Mrs. Dorothy Marsden
The Honorable Paula C. Hollinger
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
W. Carl Richards, Jr. /ZADM
Joseph V. Maranto /ZADM
Docket Clerk /ZADM
Arnold Jablon, Director /ZADM

RECEIVED

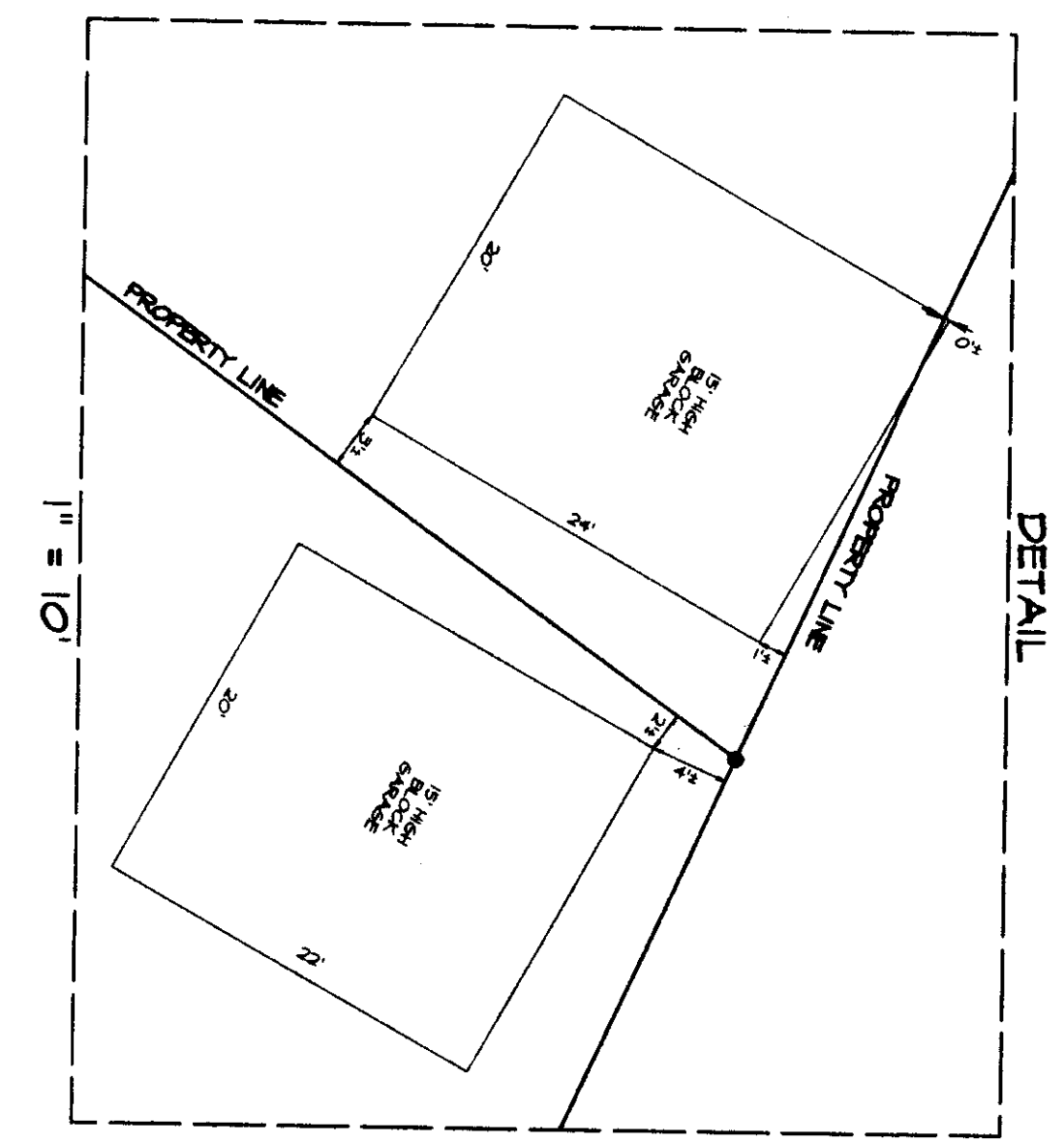
JUN 1 1995

ZADM

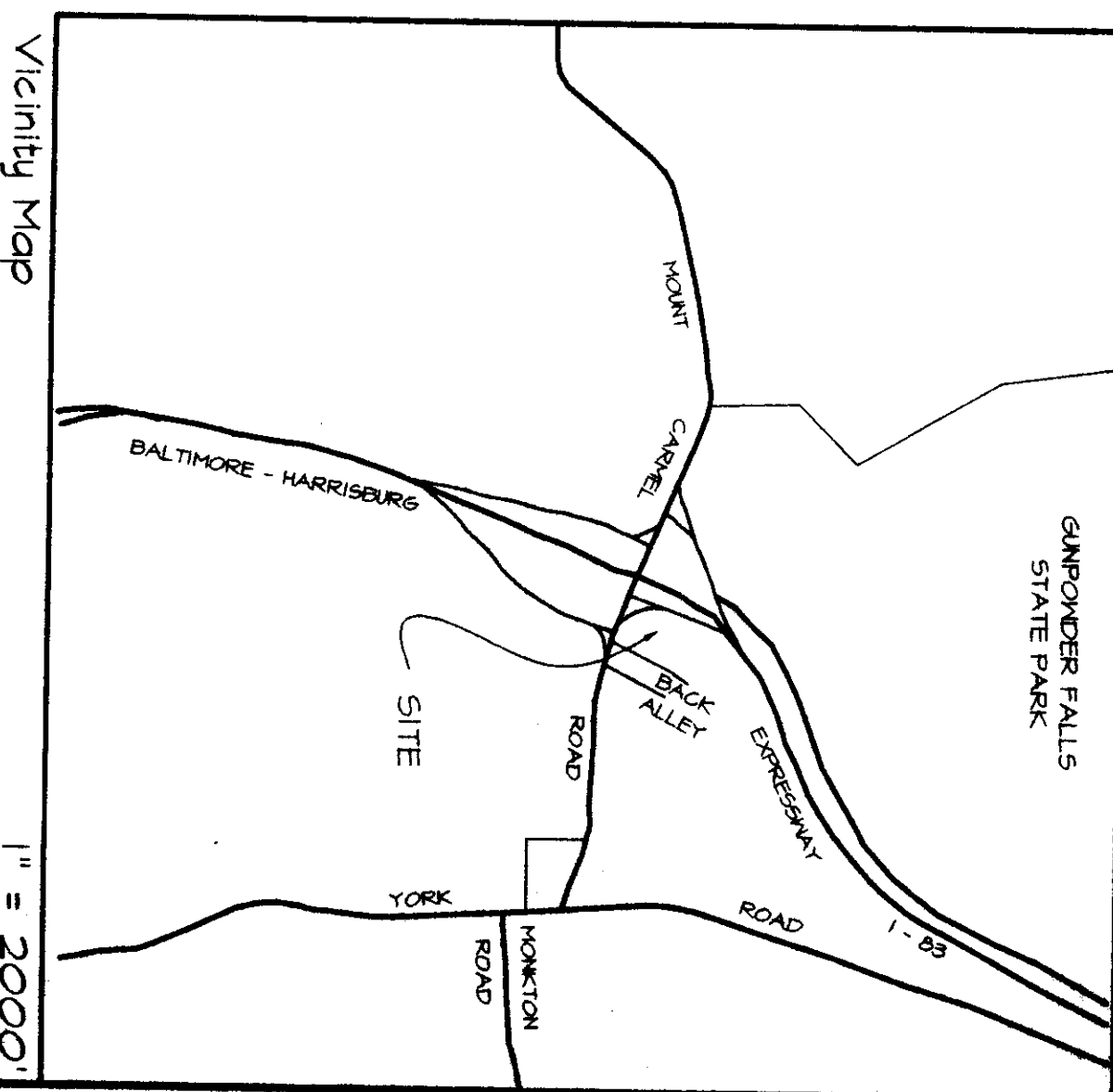




- ### SYMBOLS LEGEND
- EXISTING WELL
 - EXISTING CLEANSIT
 - PROPERTY MARKER FOUND
 - WOODS LINE
 - LIMIT OF WETLANDS
 - EXISTING PAVING
 - PROPOSED PAVING
 - ZONING LINE
 - OVERHEAD UTILITIES
 - EMERGENCY SCREENING



Baltimore County Grid Meridian



- ### GENERAL NOTES
1. BALTIMORE COUNTY RECORDS DEPARTMENT OF ENGINEERING, PLANNING AND DESIGN DIVISION HAS REVIEWED THIS PLAN AND FOUND IT TO BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS AND THE BALTIMORE COUNTY SUBDIVISION ACT.
 2. THE BALTIMORE COUNTY ZONING REGULATIONS REQUIRE THAT THE PROPOSED DEVELOPMENT BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS AND THE BALTIMORE COUNTY SUBDIVISION ACT.
 3. THE BALTIMORE COUNTY ZONING REGULATIONS REQUIRE THAT THE PROPOSED DEVELOPMENT BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS AND THE BALTIMORE COUNTY SUBDIVISION ACT.
 4. THE BALTIMORE COUNTY ZONING REGULATIONS REQUIRE THAT THE PROPOSED DEVELOPMENT BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS AND THE BALTIMORE COUNTY SUBDIVISION ACT.
 5. THE BALTIMORE COUNTY ZONING REGULATIONS REQUIRE THAT THE PROPOSED DEVELOPMENT BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS AND THE BALTIMORE COUNTY SUBDIVISION ACT.
 6. THE BALTIMORE COUNTY ZONING REGULATIONS REQUIRE THAT THE PROPOSED DEVELOPMENT BE IN ACCORDANCE WITH THE BALTIMORE COUNTY ZONING REGULATIONS AND THE BALTIMORE COUNTY SUBDIVISION ACT.

PARKING CALCULATIONS

GENERAL OFFICE
2320 S.F. OF EXISTING GROSS FLOOR AREA
EQUALS 8 SPACES

MEDICAL OFFICE

IF USE IS CHANGED TO MEDICAL OFFICE, THE STREET CAN BE USED FOR SUBSEQUENT ADDITIONAL PARKING.
2320 S.F. OF EXISTING GROSS FLOOR AREA
EQUALS 8 SPACES PER 1000 S.F.
8 SPACES ON SITE & 3 SPACES ON THE STREET

F.A.R. CALCULATIONS

2320 S.F. OF EXISTING GROSS FLOOR AREA
24745 S.F. OF GROSS SITE AREA
TIMES 2 (FLOOR TO SITE RATIO)
49540 S.F. ALLOWABLE FLOOR SPACE

OWNER/DEVELOPER
GENERAL GERMAN AGED PEOPLES
HOME OF BALTIMORE CITY
800 SOUTHERLY DRIVE
BALTIMORE, MARYLAND 21204

PLAN TO ACCOMPANY A
CHANGE IN USE PERMIT
AND A
PETITION FOR ZONING VARIANCE
TO SECTIONS 238.2 & 400.1
FOR THE PROPERTY OF
GENERAL GERMAN AGED
PEOPLES HOME OF
BALTIMORE CITY



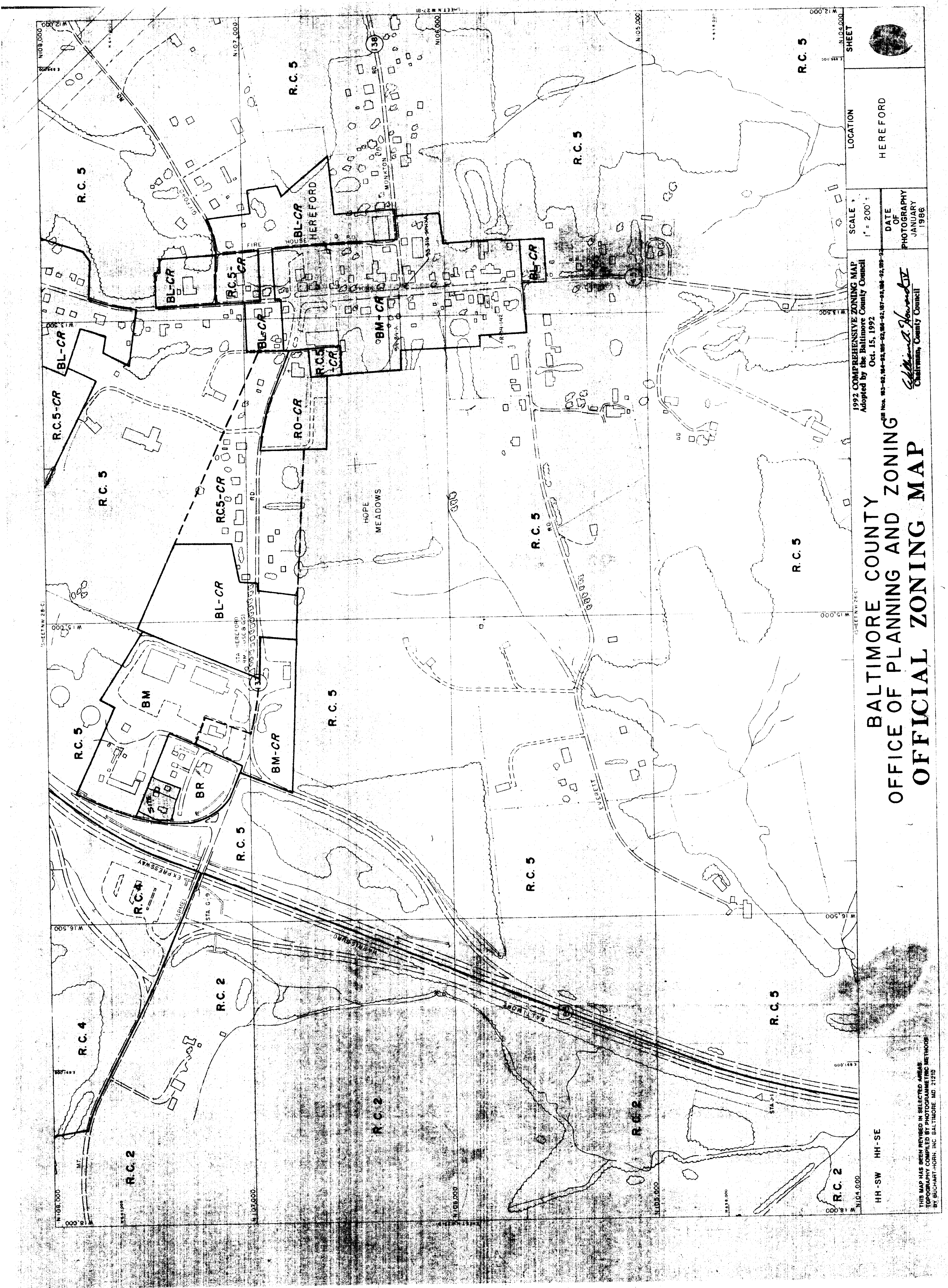
Tax Map 22, Grid 13, Parcels 11 & 12
7th ELECTION DISTRICT
MICROFILMED BALTIMORE COUNTY, MARYLAND
Scale: 1" = 30'

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Townsend Boulevard
Towson, Maryland 21206
(410) 825-4470

97-40-A

97-40-A

UNRECORDED



**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Baltimore County Council
Chairman, County Council

SCALE
1" = 200'

LOCATION
HEREFORD

SHEET

HH-SW HH-SE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHOD
BY BUCHART-HORN, INC. BALTIMORE, MD. 21215

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Old Mt. Carmel Rd., 210' W c/1 ZONING COMMISSIONER
60' S/W State Hwy. 100, WMC *
1-83, (312-314 Old Mt. Carmel Rd.)
7th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
General German Aged Peoples * Case Nos. 97-40-A & 97-41-A
Home of Baltimore City.
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a combined hearing on Petitions for Variance for the adjacent properties located at 312 Old Mt. Carmel Road and 314 Old Mt. Carmel Road in northern Baltimore County. The Petitions are filed by the General German Aged Peoples Home of Baltimore City, owner of both properties. As to case No. 97-40-A (312 Old Mt. Carmel Road) zoning variances are requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow a 2 ft. side yard setback, in lieu of the 2-1/2 ft. required, and a 4 ft. rear yard setback in lieu of the 30 ft. required, both for an existing garage (accessory structure). Also requested for the property at 312 Old Mt. Carmel Road is a variance for an existing primary structure to allow a side yard setback of 26 ft. in lieu of the required 30 ft.

As to case No. 97-41-A (314 Old Mt. Carmel Road) 3 variances are also sought from Section 238.2 of the BCZR. Two are for a principal structure and one for a detached garage. As to the principal structure, relief is requested for a 0 ft. side yard setback, in lieu of the required 30 ft., and a 19 ft. side yard setback in lieu of the required 30 ft. For the garage, variance relief from Section 400.1 of the BCZR is requested to allow a 0 ft. rear yard setback in lieu of the required 30 ft. Both of the subject properties and all of the requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variances.

Appearing at the public hearing held for these cases was Cynthia E. Riley, on behalf of the Petitioner and property owner. Also present was Eugene L. Cavey. Bruce E. Doak, a Registered Professional Land Surveyor also appeared and testified. The Petitioner was represented by Julie Wright, Esquire, of Whiteford, Taylor and Preston. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence offered was that the subject properties are two adjacent lots located near the interchange of I-83 (Baltimore Harrisburg Expressway) and Mt. Carmel Road. The property located at 312 Old Mt. Carmel Road is .27 acres in area. It is improved with a 1-1/2 story stucco structure which was, at one time, used as a dwelling. The property is to be converted for office use. The property known as 314 Old Mt. Carmel Road abuts 312 Old Mt. Carmel Road and is .25 acres in area. It is also improved with a 1-1/2 story stucco structure and a detached garage. Both properties are zoned B.R.

Mr. Doak indicated that the primary structures on both properties are to be used for offices and business purposes. In order to effectuate this change of use, the property owner approached Baltimore County about obtaining a use permit. After reviewing the site plan and the proposed plans, the property owner was advised by the Zoning Office that the subject variances were necessary.

Mr. Doak also noted that the structures on both properties have been in existence for many years. It was indicated that they were built in the 1940s, well before the adoption of the current Baltimore County Zoning Regulations. The variances which are requested are necessitated by development in the area since the construction of these buildings. Specifically, to the south, State Highway Administration acquired a substantially large piece of property for use as a parking lot and storage area. It was

-2-

indicated that when the State Highway acquired this site, they did so by condemnation and took lands which established a property line immediately adjacent to the garages which are situated on the subject property. Thus, the variance relief for those garages was necessitated by this State's taking of adjacent property and utilization of same by the State Highway Administration.

A similar circumstance exists to the northwest of the site. Particularly, lot #314 lies immediately adjacent to the right of way for Interstate 83. This right of way was created when that highway was constructed and has resulted in extremely small setbacks for the side and rear of the existing structure. As to the structure on 312 Old Mt. Carmel Road, variance relief is requested to the side property line.

Based upon the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the Petitions for Variance. The adaptive reuse of these structures is to be applauded and they will be put to an appropriate purpose. It is to be noted that, in addition to the State Highway Administration property and I-83, a fuel service station is also located nearby. Use of the structures to house offices is an entirely appropriate use.

Moreover, I am convinced that the Petitioner has satisfied the burden set forth in Section 307 of the BCZR. The variances were mandated by the acquisition of the adjacent properties for governmental uses. These factors have surely created practical difficulty upon the Petitioner and have rendered strict compliance with the regulations impossible. Thus, the Petitions for Variance shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

-3-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of September, 1996 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow a 2 ft. side yard setback, in lieu of the 2-1/2 ft. required, and a 4 ft. rear yard setback, in lieu of the 30 ft. required, both for an existing garage (accessory structure), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing primary structure to allow a side yard setback of 26 ft. in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, regarding case No. 97-41-A (314 Old Mt. Carmel Road), a variance from Section 238.2 of the BCZR for a 0 ft. side yard setback, in lieu of the required 30 ft., and a 19 ft. side yard setback in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the BCZR to allow a 0 ft. rear yard setback in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

-4-

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District... 2d Date of Posting... 9/9/96
Posted for: Variances
Petitioner: General German Aged Peoples Home of Baltimore City
Location of property: 312 Old Mt. Carmel Rd.
Location of Sign: Along the side of property being zoned.
Remarks:
Posted by: William G. Ulrich Date of return: 9/16/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/8, 1996
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/8, 1996.

THE JEFFERSONIAN,
C. H. HENNINGSON
PUBLISHED AT TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County by authority of the Zoning and Planning Department is hereby giving notice of a public hearing on the proposed variance from the Zoning Regulations of Baltimore County, to be held at the County Office Building, 111 W. Chase Avenue, 11th Floor, Room 1100, on September 11, 1996, at 10:00 a.m. in Room 1100, County Office Building.

Case #97-40-A
(111-83)
312 Old Mt. Carmel Road
312 Old Mt. Carmel Road, 210' W c/1 of State Highway 100, WMC
Petitioner: General German Aged Peoples Home of Baltimore City
3rd Councilmanic District
Zoning: B.R.
Legal Description:
General German Aged Peoples Home of Baltimore City
Petitioner: to allow a 2 foot side yard setback and a 4 foot rear yard setback in lieu of the required 30 foot side yard setback and 30 foot rear yard setback of 30 feet in lieu of the required 30 feet for the existing building.
Hearing: Wednesday, September 11, 1996 at 10:00 a.m. in Room 1100, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearing: any interested person may appear and be heard. (2) Any person who wishes to appear at the hearing should file a written statement of the issues to be heard with the Zoning Department at least 48 hours before the hearing. (3) The hearing will be held in Room 1100, County Office Building.

8/10/96 LES:GMM

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 5, 1996

Julie Wright, Esquire
Whiteford, Taylor, Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. 97-40-A and 97-41-A
Petitions for Zoning Variances
Property: 312 and 314 Old Mt. Carmel Road
General German Aged Peoples Home of Balto. City, Petitioners

Dear Ms. Wright:

Enclosed please find the decision rendered in the above captioned cases. The Petitions for Zoning Variances have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm

att.

cc: Ms. Cynthia Riley, Agent
General German Aged Peoples Home, 24 Mt. Carmel Road, Parkton 21120
Mr. Eugene L. Cavey, P.O. Box 287, Monkton, Md. 21111



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 312 Old Mt. Carmel Road
97-40-A which is presently zoned BR

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 TO ALLOW A 2.0 FOOT SIDEYARD SETBACK IN LIEU OF THE REQUIRED 30 FOOT SIDEYARD SETBACK AND 4 FOOT REAR YARD SETBACK 26' IN LIEU OF THE REQUIRED 30 FT. REAR YARD SETBACK of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

THE SETBACK FOR THE EXISTING GARAGE DOES NOT COMPLY WITH THE CURRENT ZONING REGULATIONS BECAUSE THE GARAGE WAS BUILT WITHOUT THE BENEFIT OF A SURVEY.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zip

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City

State

Zip

Who do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s): GENERAL GERMAN AGED PEOPLES HOME OF BALTIMORE CITY
(Type or Print Name)

Signature: Cynthia E. Riley, Agent
(Type or Print Name)

Signature: Julie Wright, Esquire
(Type or Print Name)

Address: 206 Park Rd. (410) 321-1217
(Type or Print Name)

Name, Address and phone number of representative to be contacted: GERHOLD, CROSS & ETZEL
(Type or Print Name)

Address: 320 E. Towson Road 410-4470
(Type or Print Name)

City: Towson State: MD Zip: 21204

ESTIMATED LENGTH OF HEARING: 15 minutes
The following date: 9/11/96 Next Two Months
ALL: 9/11/96 DATE: 9/26/96

GORDON T. LANGDON
EDWARD F. DEACOLLOM
BRUCE C. DOAK

GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSON TOWN BOULEVARD
TOWSON, MARYLAND 21206-5318
410-823-4470
FAX 410-823-4473

EXECUTIVE
PAUL G. DOLLEBERG
FRED H. DOLLEBERG
CARL L. STENHOLD
PHILIP F. CROSS
OF COUNSEL
JOHN F. STEEL
WILLIAM G. ULRICH

July 25, 1996

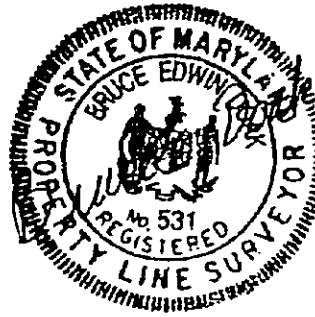
Zoning Description for 312 Old Mt. Carmel Road

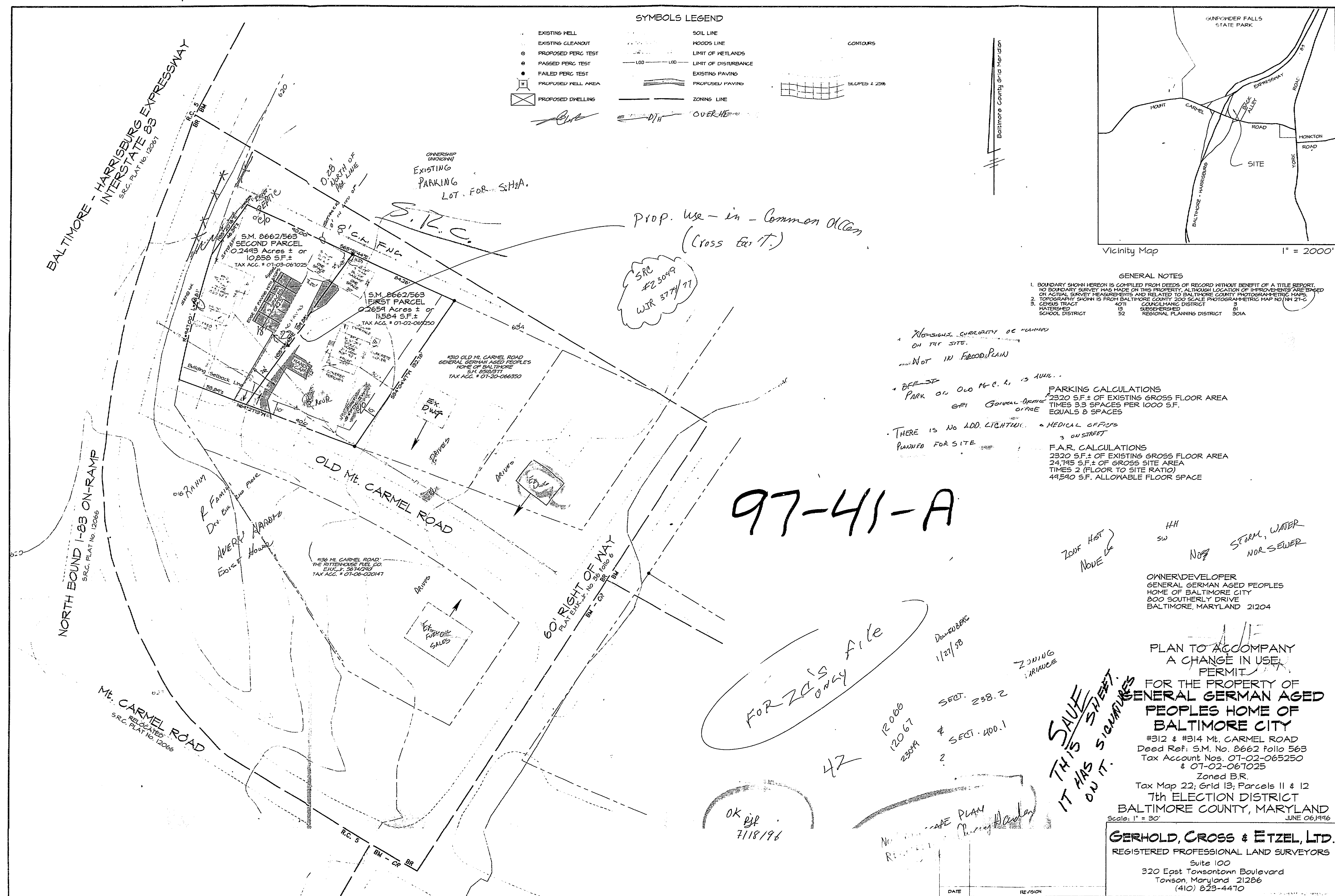
Beginning at a point on the northern right-of-way line of Old Mt. Carmel Road (40 feet wide) being westerly 210 feet, more or less, along the said right-of-way line from the centerline of the 60 foot wide right-of-way leading to the State Highway Administration facility near the northwest corner of the interchange of Interstate 83 and Mt. Carmel Road (Relocated) and thence running from said point of beginning and binding on said right-of-way line the following course and distance, viz: 1) North 69 degrees 27 minutes 13 seconds West 90.01 feet, thence leaving said right-of-way and running the three following courses and distances, viz: 2) North 35 degrees 53 minutes 45 seconds East 139.85 feet, 3) South 65 degrees 31 minutes 44 seconds East 84.26 feet, and 4) South 34 degrees 04 minutes 47 seconds West 132.78 feet to the point of beginning.

Containing 11.548 square feet or 0.27 of an acre, more or less.

Note: This description is not for conveyance purposes and only fulfills the requirements of Baltimore County Office of Zoning.

germ312.zde





GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

TO: FUTUREX PUBLISHING COMPANY
August 8, 1996 Issue - Jeffersonian

Please forward billing to:

Cynthia A. Riley
General German Aged Peoples Home of Baltimore City
206 Dairy Road
Parkton, Maryland 21204
329-2100

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-40-A (Item 40)
312 Mount Carmel Road
N/S Mount Carmel Road, 210' W of c/l of State Highway Facility near NMC I-83
7th Election District - 3rd Councilmanic
Legal Owner(s): General German Aged Peoples Home of Baltimore City

Variance to allow a 2 foot side yard setback and a 4 foot rear yard setback in lieu of the required 30 feet each (for a garage) and a side yard setback of 26 feet in lieu of the required 30 feet (for the existing building).

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 10:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 2, 1996

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-40-A (Item 40)
312 Mount Carmel Road
N/S Mount Carmel Road, 210' W of c/l of State Highway Facility near NMC I-83
7th Election District - 3rd Councilmanic
Legal Owner(s): General German Aged Peoples Home of Baltimore City

Variance to allow a 2 foot side yard setback and a 4 foot rear yard setback in lieu of the required 30 feet each (for a garage) and a side yard setback of 26 feet in lieu of the required 30 feet (for the existing building).

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 10:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: General German Aged Peoples Home of Baltimore City
Gerold Cross & Stael

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 29, 1996

Ms. Cynthia E. Riley
General German Aged Peoples Home
206 Dairy Road
Parkton, MD 21204

RE: Item No.: 40
Case No.: 97-40-A
Petitioner: Cynthia Riley

Dear Ms. Riley:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 9, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 12, 1996
Item Nos. 026, 027, 028, 031, 032,
034, 035, 036, 037, 040, 041, and
042

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE21

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

DATE: Aug 8, 96

SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 5, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 26
27
29
30
31
32
34
36
37
40
41
42

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 08/07/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: GENERAL GERMAN AGED PEOPLES HOME OF BALTO. CITY
Location: N/S OLD MT. CARMEL RD. 210' W OF CENTERLINE 601 R/W TO STATE
HIGHWAY FACILITY NEAR NMC I-83 (312 OLD MT. CARMEL RD.)

Item No.: 040 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1108F

cc: File

Printed with Soybean Ink
on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-5-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 040 (JTS)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____
Maryland Relay Service for impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: August 1, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 18, 26, 29, 31, 32, 34, 35, 36, 37, 39, 40, 41, and 42

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Paul L. Keller

PK/JL

ITEM18/PZONE/TXTJWL

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 97-40-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, MD 21286, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

97-40 A
97-41-A

Julie Wright-

BLE

3/4 next to I-85

lots were existing prior
to I-83
✓ prior to S/H A lot

✓ prior to S/A lot

314- house fronts old mt
cave

0' foot sideyard
19 foot rear yard

property B/C -

standing there for 50 years

garage - 0 in back
~~30~~ for rear yard

312-

Garage 2 feet in front of
2.5 ft. beds

Reas - 4 in. len of 30

312 - was house -
general office

26 in lieu of 30 for
side yard-

- all are existing structures -
practical difficulty -
taking by state - I - 83 +
SHA -

Use permit triggered

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAM

ADDRESS

NAME	ADDRESS
John Whight / WHITEHEAD TAYLOR DESIGN (PRESENTING PETITIONER)	210 W PENNSYLVANIA AVE, TOWSON
BRUCE E. DONK - GERMUOL, CROSS & EHRLE, LTD.	320 E TOWSON PARK BLVD, TOWSON, MD 21204

CINDY RILEY

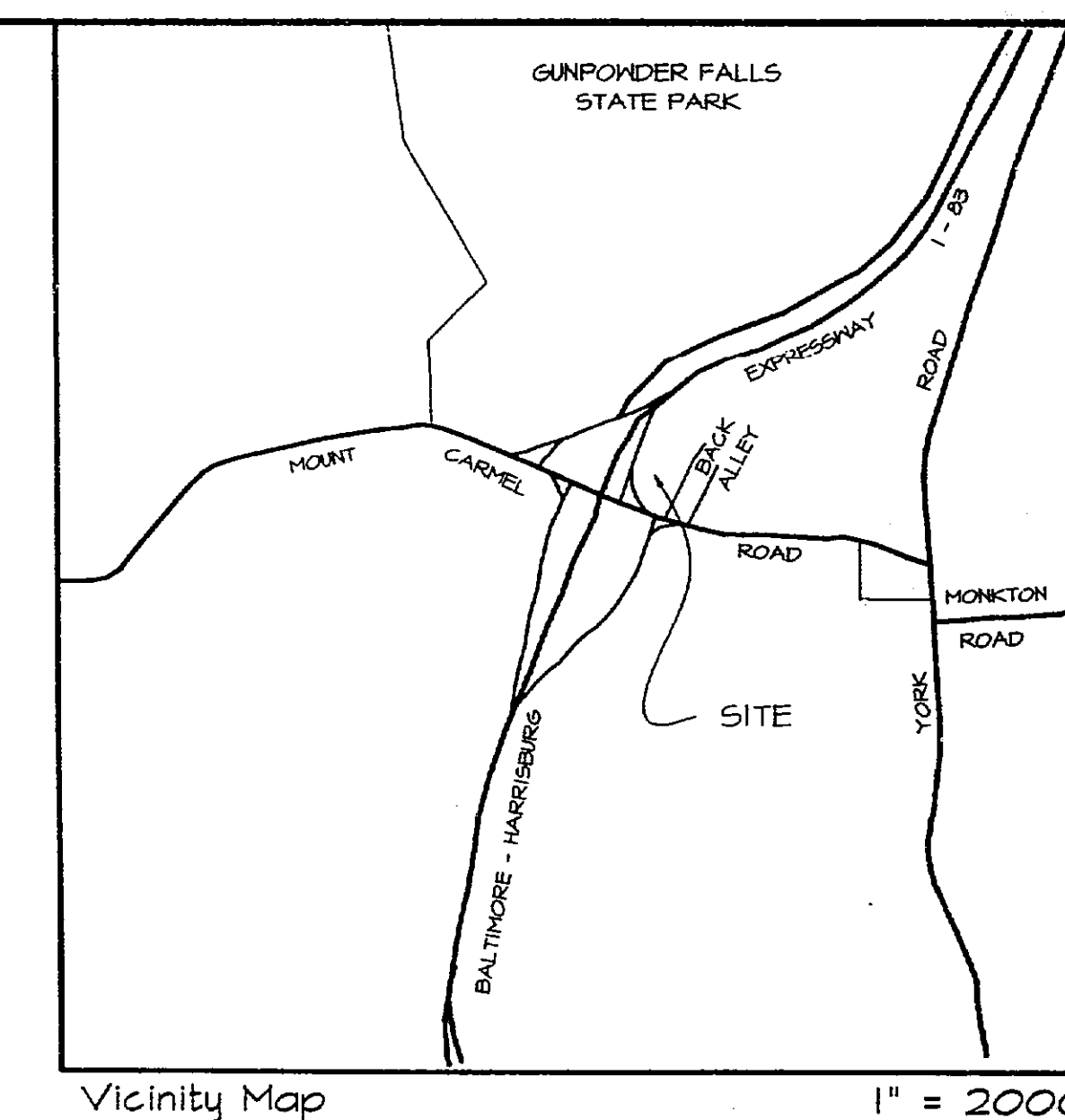
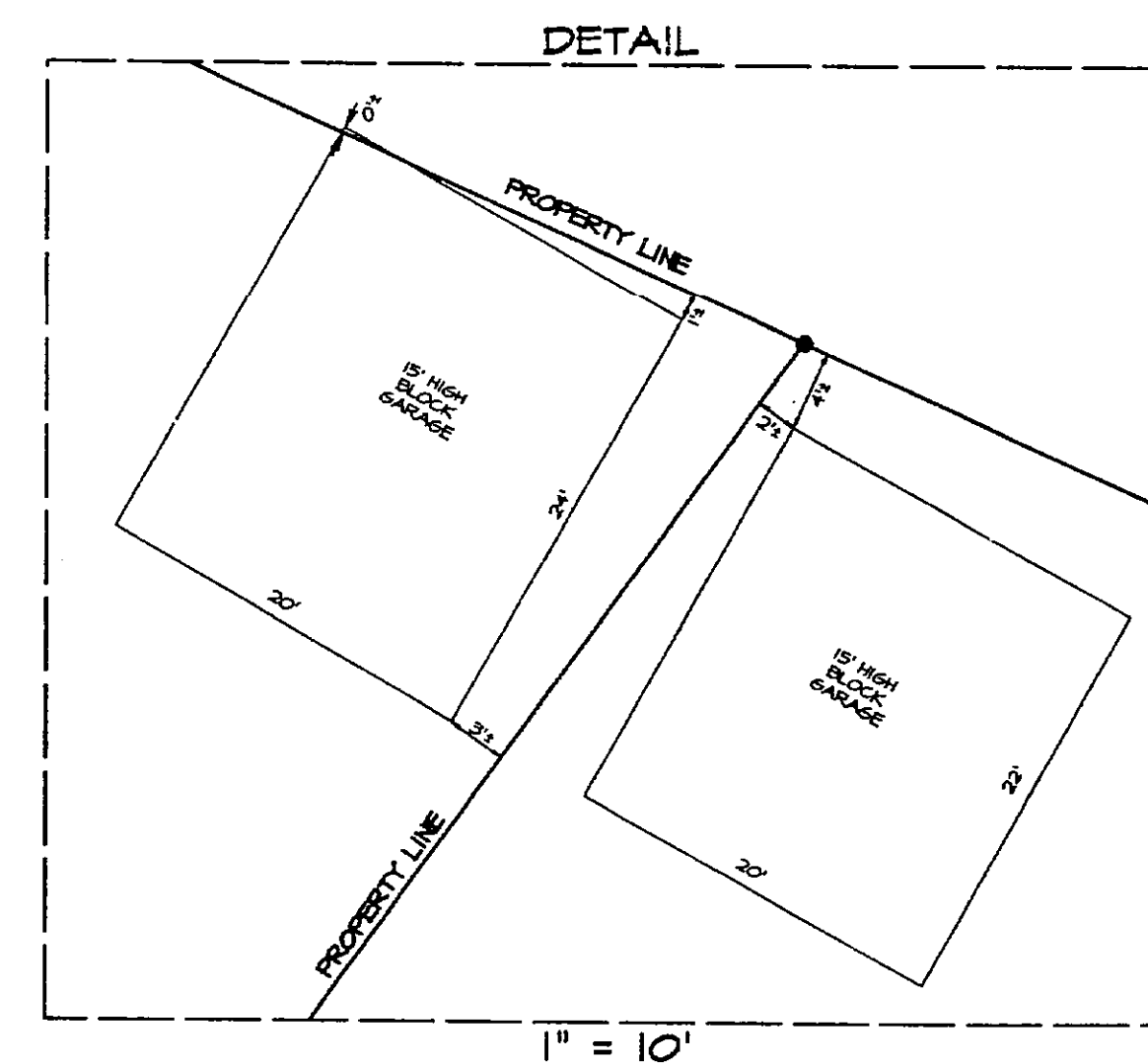
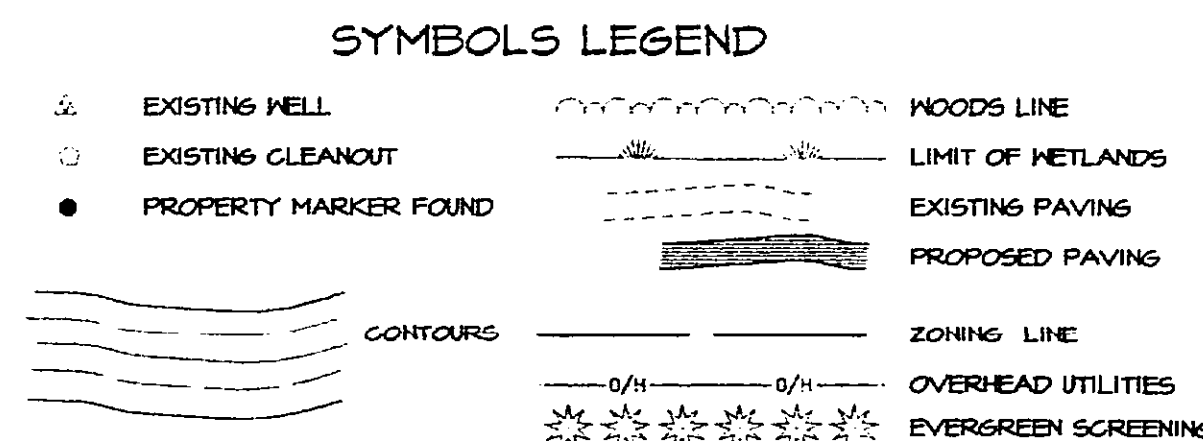
Eugene L. Caver

320 E TOWSONTOWN BLVD. TOWSON MD. 2128

21 MT. CARMEL RD. PARKTON MD 21120

P.O. Box 287 16094 Vero Beach, FL 33409

Monkton



GENERAL NOTES

- [illegible]

PARKING CALCULATIONS

GENERAL OFFICE
2320 S.F. ± OF EXISTING GROSS FLOOR AREA
TIMES 3.3 SPACES PER 1000 S.F.
EQUALS 8 SPACES

MEDICAL OFFICE
IF USE IS CHANGED TO MEDICAL OFFICE, THE STREET CAN BE USED
FOR SUBSEQUENT ADDITIONAL PARKING.
2920 S.F. ± OF EXISTING GROSS FLOOR AREA
TIMES 4.5 SPACES PER 1000 S.F.
EQUALS 11 SPACES
8 SPACES ON SITE & 3 SPACES ON THE STREET

F.A.R. CALCULATIONS

F.A.R. CALCULATIONS
2320 S.F.± OF EXISTING GROSS FLOOR AREA
24,795 S.F.± OF GROSS SITE AREA
TIMES 2 (FLOOR TO SITE RATIO)
49,590 S.F. ALLOWABLE FLOOR SPACE

OWNER/DEVELOPER
GENERAL GERMAN AGED PEOPLES
HOME OF BALTIMORE CITY
800 SOUTHERLY DRIVE
BALTIMORE, MARYLAND 21204

EXPLANATION OF VARIANCES

1. PETITION OF VARIANCE TO SECTION 230.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A ZERO FOOT SETBACK IN LIEU OF THE REQUIRED 30 FEET FOR THE HOUSE AT 312 OLD HAWTHORNE ROAD
2. PETITION OF VARIANCE TO SECTION 230.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A REAR YARD 18 FOOT SETBACK IN LIEU OF THE REQUIRED 30 FEET FOR THE HOUSE AT 312 OLD HAWTHORNE ROAD
3. PETITION OF VARIANCE TO SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A ZERO FOOT SETBACK IN LIEU OF THE REQUIRED 25 FEET FROM AN ACCESSORY BUILDING TO THE REAR YARD FOR THE HOUSE AT 312 OLD HAWTHORNE ROAD
4. PETITION OF VARIANCE TO SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A 2 FOOT SETBACK IN LIEU OF THE REQUIRED 25 FEET FROM AN ACCESSORY BUILDING TO THE SIDE LOT FOR THE HOUSE AT 312 OLD HAWTHORNE ROAD



PLAN TO ACCOMPANY A
CHANGE IN USE PERMIT
AND A
PETITION FOR ZONING VARIANCE
TO SECTIONS 238.2 & 400.1
FOR THE PROPERTY OF
GENERAL GERMAN AGED
PEOPLES HOME OF
BALTIMORE CITY

#312 & #314 Mt. CARMEL ROAD
Deed Ref: S.M. No. 8662 folio 563
Tax Account Nos. 07-02-065250
& 07-02-067025

Zoned B.R.

Tax Map 22; Grid 13; Parcels 11 & 12

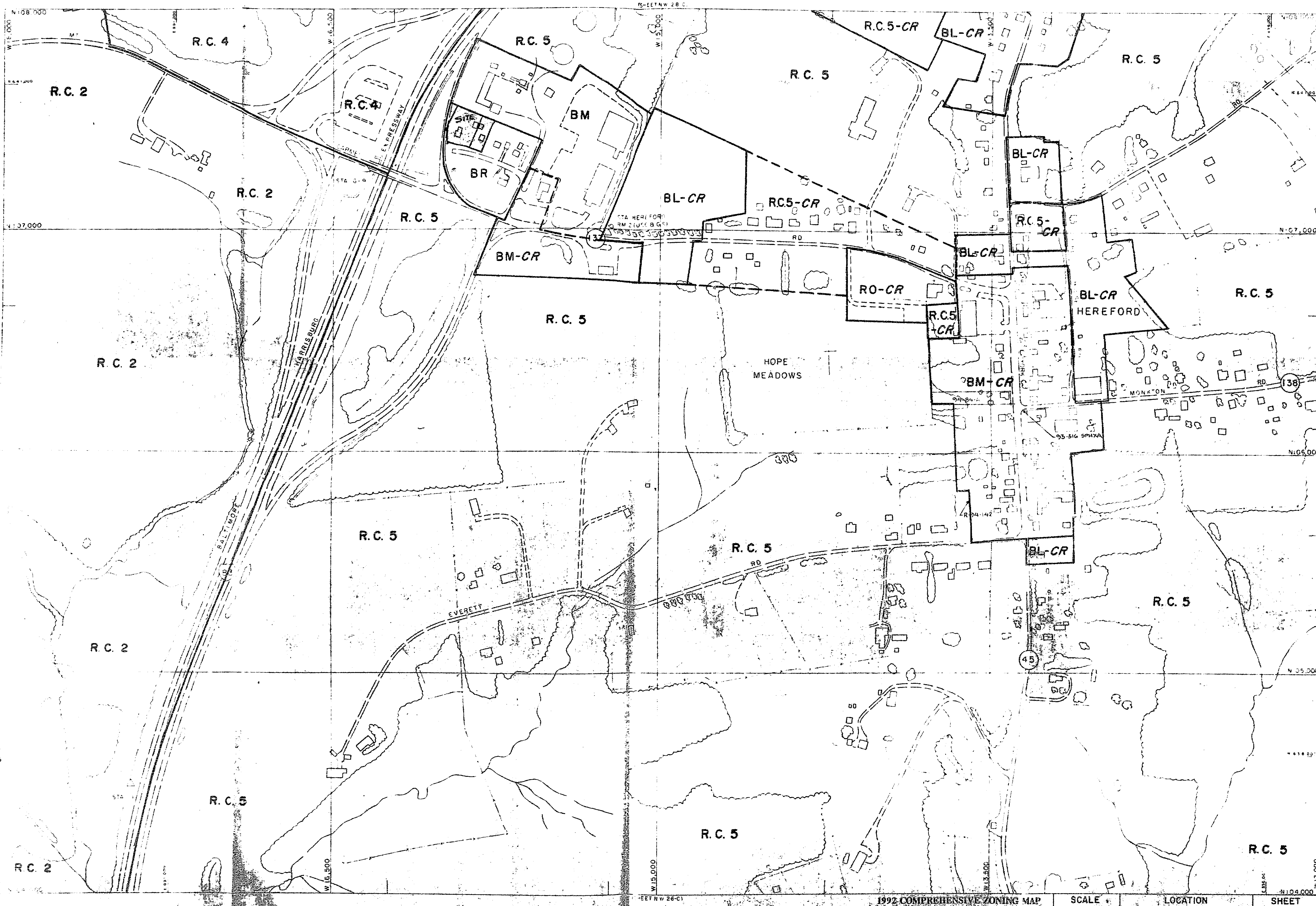
7th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
Scale: 1" = 30' JUNE 06 1996

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

07/23/96	HOUSE NUMBERS
07/18/96	COMMENTS - APPLICATION FOR ZONING USE PERM
DATE	DESCRIPTION

4. VERMANNENDESCONTRASTE



97-40-A

40

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
8/5 Old Mt. Carmel Rd., 210' W c/l ZONING COMMISSIONER
60' R/W State Hwy. Fac., NWC *
1-83, (312-314 Old Mt. Carmel Rd) OF BALTIMORE COUNTY
7th Election District
3rd Councilmanic District
General German Aged Peoples * Case Nos. 97-40-A & 97-41-A
Home of Baltimore City, Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a combined hearing on Petitions for Variance for the adjacent properties located at 312 Old Mt. Carmel Road and 314 Old Mt. Carmel Road in northern Baltimore County. The Petitions are filed by the General German Aged Peoples Home of Baltimore City, owner of both properties. As to case No. 97-40-A (312 Old Mt. Carmel Road) zoning variances are requested from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow a 2 ft. side yard setback, in lieu of the 2-1/2 ft. required, and a 4 ft. rear yard setback in lieu of the 30 ft. required, both for an existing garage (accessory structure). Also requested for the property at 312 Old Mt. Carmel Road is a variance for an existing primary structure to allow a side yard setback of 26 ft. in lieu of the required 30 ft.

As to case No. 97-41-A (314 Old Mt. Carmel Road) 3 variances are also sought from Section 238.2 of the BCZR. Two are for a principal structure and one for a detached garage. As to the principal structure, relief is requested for a 0 ft. side yard setback, in lieu of the required 30 ft., and a 19 ft. side yard setback in lieu of the required 30 ft. For the garage, variance relief from Section 400.1 of the BCZR is requested to allow a 0 ft. rear yard setback in lieu of the required 30 ft. Both of the subject properties and all of the requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variances.

Appearing at the public hearing held for these cases was Cynthia E. Riley, on behalf of the Petitioner and property owner. Also present was Eugene L. Cavey. Bruce E. Doak, a Registered Professional Land Surveyor also appeared and testified. The Petitioner was represented by Julie Wright, Esquire, of Whiteford, Taylor and Preston. There were no Protestants or other interested persons present.

Uncontradicted testimony and evidence offered was that the subject properties are two adjacent lots located near the interchange of I-83 (Baltimore Harrisburg Expressway) and Mt. Carmel Road. The property located at 312 Old Mt. Carmel Road is .27 acres in area. It is improved with a 1-1/2 story stucco structure which was, at one time, used as a dwelling. The property is to be converted for office use. The property known as 314 Old Mt. Carmel Road abuts 312 Old Mt. Carmel Road and is .25 acres in area. It is also improved with a 1-1/2 story stucco structure and a detached garage. Both properties are zoned B.R.

Mr. Doak indicated that the primary structures on both properties are to be used for offices and business purposes. In order to effectuate this change of use, the property owner approached Baltimore County about obtaining a use permit. After reviewing the site plan and the proposed plans, the property owner was advised by the Zoning Office that the subject variances were necessary.

Mr. Doak also noted that the structures on both properties have been in existence for many years. It was indicated that they were built in the 1940s, well before the adoption of the current Baltimore County Zoning Regulations. The variances which are requested are necessitated by development in the area since the construction of these buildings. Specifically, to the south, State Highway Administration acquired a substantially large piece of property for use as a parking lot and storage area. It was

-2-

indicated that when the State Highway acquired this site, they did so by condemnation and took lands which established a property line immediately adjacent to the garages which are situated on the subject property. Thus, the variance relief for those garages was necessitated by this State's taking of adjacent property and utilization of same by the State Highway Administration.

A similar circumstance exists to the northwest of the site. Particularly, lot #314 lies immediately adjacent to the right of way for Interstate 83. This right of way was created when that highway was constructed and has resulted in extremely small setbacks for the side and rear of the existing structure. As to the structure on 312 Old Mt. Carmel Road, variance relief is requested to the side property line.

Based upon the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the Petitions for Variance. The adaptive reuse of these structures is to be applauded and they will be put to an appropriate purpose. It is to be noted that, in addition to the State Highway Administration property and I-83, a fuel service station is also located nearby. Use of the structures to house offices is an entirely appropriate use.

Moreover, I am convinced that the Petitioner has satisfied the burden set forth in Section 307 of the BCZR. The variances were mandated by the acquisition of the adjacent properties for governmental uses. These factors have surely created practical difficulty upon the Petitioner and have rendered strict compliance with the regulations impossible. Thus, the Petitions for Variance shall be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

-3-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of September, 1996 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to allow a 2 ft. side yard setback, in lieu of the 2-1/2 ft. required, and a 4 ft. rear yard setback, in lieu of the 30 ft. required, both for an existing garage (accessory structure), be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance for an existing primary structure to allow a side yard setback of 26 ft. in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that, regarding case No. 97-41-A (314 Old Mt. Carmel Road), a variance from Section 238.2 of the BCZR for a 0 ft. side yard setback, in lieu of the required 30 ft., and a 19 ft. side yard setback in lieu of the required 30 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 400.1 of the BCZR to allow a 0 ft. rear yard setback in lieu of the required 30 ft., be and is hereby GRANTED, subject, however, to the following restriction:


1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LES/mm

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 9/16/96
By Jeffrey

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-4386
September 5, 1996

Julie Wright, Esquire
Whiteford, Taylor, Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Case Nos. 97-40-A and 97-41-A
Petitions for Zoning Variances
Property: 312 and 314 Old Mt. Carmel Road
General German Aged Peoples Home of Balto. City, Petitioners

Dear Ms. Wright:


Enclosed please find the decision rendered in the above captioned cases. The Petitions for Zoning Variances have been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att:
c: Ms. Cynthia Riley, Agent
General German Aged Peoples Home, 24 Mt. Carmel Road, Parkton 21120
c: Mr. Eugene L. Cavey, P.O. Box 287, Monkton, Md. 21111

**Petition for Variance**
to the Zoning Commissioner of Baltimore County
for the property located at 314 Old Mt. Carmel Road
97-41-A which is presently zoned BR
This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 238.2 2 TO ALLOW A ZERO FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 30 FEET, 238.2 TO ALLOW A 19' FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FEET & 400.1 TO ALLOW A ZERO REAR YARD SETBACK IN LIEU OF THE REQUIRED 30 FEET.

of the Zoning Regulations of Baltimore County, in the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
THE SETBACKS OF THE EXISTING BUILDINGS DO NOT COMPLY WITH THE CURRENT ZONING REGULATION BECAUSE OF TAKINGS BY THE STATE HIGHWAY ADMINISTRATION.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Purchaser/Lessee:
Signature _____
Address _____
City _____ State _____ Zip _____
Signature _____
City _____ State _____ Zip _____
Address _____ Phone No. _____
City _____ State _____ Zip _____
Signature _____
City _____ State _____ Zip _____
Address _____ Phone No. _____
City _____ State _____ Zip _____

(We, the undersigned, declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)
Legal Owner(s): GENERAL GERMAN AGED PEOPLES HOME OF BALTIMORE CITY
Address: 314 Old Mt. Carmel Road
City: BALTIMORE State: MD

Signature: Cynthia E. Riley
City: BALTIMORE State: MD Zip: 21204

Signature: Julie Wright
City: BALTIMORE State: MD Zip: 21204

Signature: Gerhold, Cross & Etzel
City: BALTIMORE State: MD Zip: 21204

Signature: Gerhold, Cross & Etzel
City: BALTIMORE State: MD Zip: 21204

Printed with Recycled Ink
on Recycled Paper

EDWARD F. LANGDON
EDWARD F. LANGDON
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.
Registered Professional Land Surveyors
SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318
410-823-4470
FAX 410-823-4473

EMERITOR
PAUL S. DOLLENBERG
FRED H. DOLLENBERG
DAN L. GONZALEZ
PHILIP K. GROSS
OF COUNSEL
JOHN F. EITZ
WILLIAM G. ULRICH

July 25, 1996

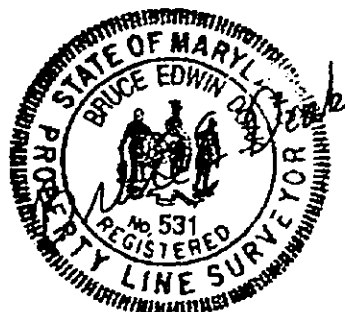
Zoning Description for 314 Old Mt. Carmel Road

Beginning at a point on the northern right-of-way line of Old Mt. Carmel Road (40 feet wide) being westerly 300 feet, more or less, along the said right-of-way line from the centerline of the 60 foot wide right-of-way leading to the State Highway Administration facility near the northwest corner of the interchange of Interstate 83 and Mt. Carmel Road (Relocated) and thence leaving said point of beginning and binding on said right-of-way line the following line, viz: 1) North 69 degrees 27 minutes 13 seconds West 53.89 feet, more or less, thence binding on the right-of-way of Interstate 83, the following line, viz: 2) Northeasterly, by a curve to the right having a radius of 947.00 feet for a distance of 96.81 feet, more or less, (said curve being subtended by a long chord bearing North 14 degrees 11 minutes 08 seconds East 96.76 feet, more or less), thence leaving said right-of-way and running the three following courses and distances, viz: 3) North 35 degrees 20 minutes 16 seconds East 46.39 feet, more or less, 4) South 65 degrees 31 minutes 44 seconds East 90.00 feet, and 5) South 35 degrees 53 minutes 45 seconds West 139.85 feet to the point of beginning.

Containing 10,838 square feet or 0.25 of an acre, more or less.

Note: This description is not for conveyance purposes and only fulfills the requirements of Baltimore County Office of Zoning.

germ314.zde



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 9/16/96
Posted for: Variances
Petitioner: General German Aged Peoples Home of Baltimore City
Location of property: 314 Old Mt. Carmel Road
Location of Sign: Property, adjacent to property being posted
Remarks: _____
Posted by: Jeffrey Date of return: 9/16/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 8/18, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/18, 1996.

THE JEFFERSONIAN,

A. H. Hemickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition, captioned herein, on the property, situated at the intersection of the County Office Building, 111 W. Chase Avenue, Room 1104, at 11:00 A.M., on September 18, 1996, at the County Office Building, 400 Washington Avenue, Towson, Maryland 21204, as follows:
Case: 97-41-A
314 Old Mt. Carmel Road
320 East Towson Town Boulevard
W of US 401 (I-83) to State Highway
Variances for the following: 1) Side yard setback in lieu of the required 30 feet; 2) Rear yard setback in lieu of the required 30 feet; 3) Side yard setback in lieu of the required 30 feet.
Legal Owner(s):
General German Peoples Home of Baltimore City
Petitioner to show a zero foot side yard setback in lieu of the required 30 feet, and a 19 foot rear yard setback in lieu of the required 30 feet, and a zero rear yard setback in lieu of the required 30 feet.
Hearing: Wednesday, September 18, 1996, at 11:00 A.M., in Room 1104, County Office Building.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: 1) Hearing is an open house. 2) Hearing is an open house. 3) Hearing is an open house. 4) Hearing is an open house. 5) Hearing is an open house. 6) Hearing is an open house. 7) Hearing is an open house. 8) Hearing is an open house. 9) Hearing is an open house. 10) Hearing is an open house. 11) Hearing is an open house. 12) Hearing is an open house. 13) Hearing is an open house. 14) Hearing is an open house. 15) Hearing is an open house. 16) Hearing is an open house. 17) Hearing is an open house. 18) Hearing is an open house. 19) Hearing is an open house. 20) Hearing is an open house. 21) Hearing is an open house. 22) Hearing is an open house. 23) Hearing is an open house. 24) Hearing is an open house. 25) Hearing is an open house. 26) Hearing is an open house. 27) Hearing is an open house. 28) Hearing is an open house. 29) Hearing is an open house. 30) Hearing is an open house. 31) Hearing is an open house. 32) Hearing is an open house. 33) Hearing is an open house. 34) Hearing 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TO: FUTURE PUBLISHING COMPANY
August 8, 1996 Issue - Jeffersonian

Please forward billing to:

Cynthia E. Riley
General German Aged Peoples Home of Baltimore City
206 Dairy Road
Parkton, Maryland 21204
329-2100

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-41-A (Item 42)
314 Mount Carmel Road
N/S Mount Carmel Road, 300' W of c/l 60' HW to State Highway facility near NWC of I-83
7th Election District - 3rd Councilmanic
Legal Owner(s): General German Peoples Home of Baltimore City

Variance to allow a zero foot side yard setback in lieu of the required 30 feet; to allow a 19 foot rear yard setback in lieu of the required 30 feet; and to allow a zero rear yard setback in lieu of the required 30 feet.

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 10:00 a.m. in Room 106, County Office Building.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 8, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-41-A (Item 42)
314 Mount Carmel Road
N/S Mount Carmel Road, 300' W of c/l 60' HW to State Highway facility near NWC of I-83
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Legal Owner(s): General German Peoples Home of Baltimore City

Variance to allow a zero foot side yard setback in lieu of the required 30 feet; to allow a 19 foot rear yard setback in lieu of the required 30 feet; and to allow a zero rear yard setback in lieu of the required 30 feet.

HEARING: WEDNESDAY, SEPTEMBER 4, 1996 at 10:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: General German Aged Peoples Home of Baltimore City
Gerhold Cross & Staal

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 29, 1996

Ms. Cynthia E. Riley
General German Aged Peoples Home
206 Dairy Road
Parkton, MD 21200

RE: Item No.: 42
Case No.: 97-41-A
Petitioner: Cynthia Riley

Dear Ms. Riley:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 9, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for August 12, 1996
Item Nos. 026, 027, 028, 031, 032,
034, 035, 036, 037, 040, 041, and
042

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE21

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: Aug 5, 96

DATE: Aug 3, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 26
27
29
30
31
32
34
36
37
46
41
42

RBS:sp

BRUCE2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 837-4830

DATE: 08/07/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: GENERAL GERMAN AGED PEOPLE HOME OF BALTO. CITY
Location: N/S OLD MT. CARMEL RD. 300' W OF CENTERLINE 60' R/W TO STATE
HIGHWAY FACILITY NEAR NWC I-83 (314 OLD MT. CARMEL RD.)

Item No.: 042 Zoning Agenda: VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

SHA Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 042 (JSS)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: August 1, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 18, 26, 29, 31, 32, 34, 35, 36, 37, 39, 40, 41, and 42

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long
Division Chief: Paul L. Lewis

PK/JL

ITEM18/PZONE/TXTJWL

RE: PETITION FOR VARIANCE *
314 Old Mount Carmel Road, N/S Old Mount *
Carmel Road, 300' W of c/l 60' R/W to *
State Highway Facility near MMC 1-85, *
7th Election District, 3rd Councilmanic *
General German Aged Peoples Home *
of Baltimore City *
Petitioners *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
CASE NO. 97-41-A *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

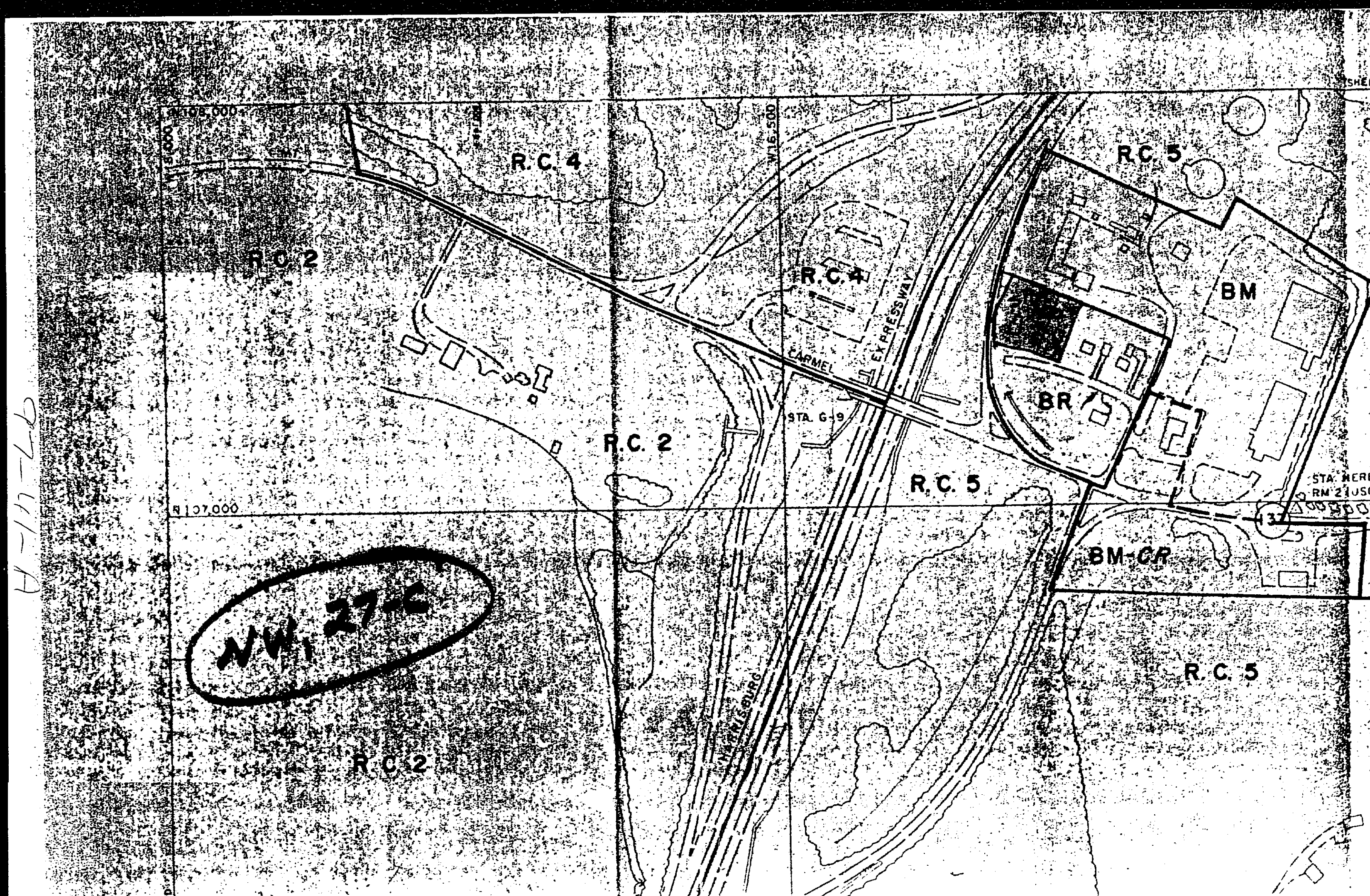
Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CHARLES S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of August, 1996, a copy of the foregoing Entry of Appearance was mailed to Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson, MD 21286, representative for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN



BALTIMORE - HARRISBURG EXPRESSWAY
INTERSTATE 83
S.R.C. PLAT No. 12067

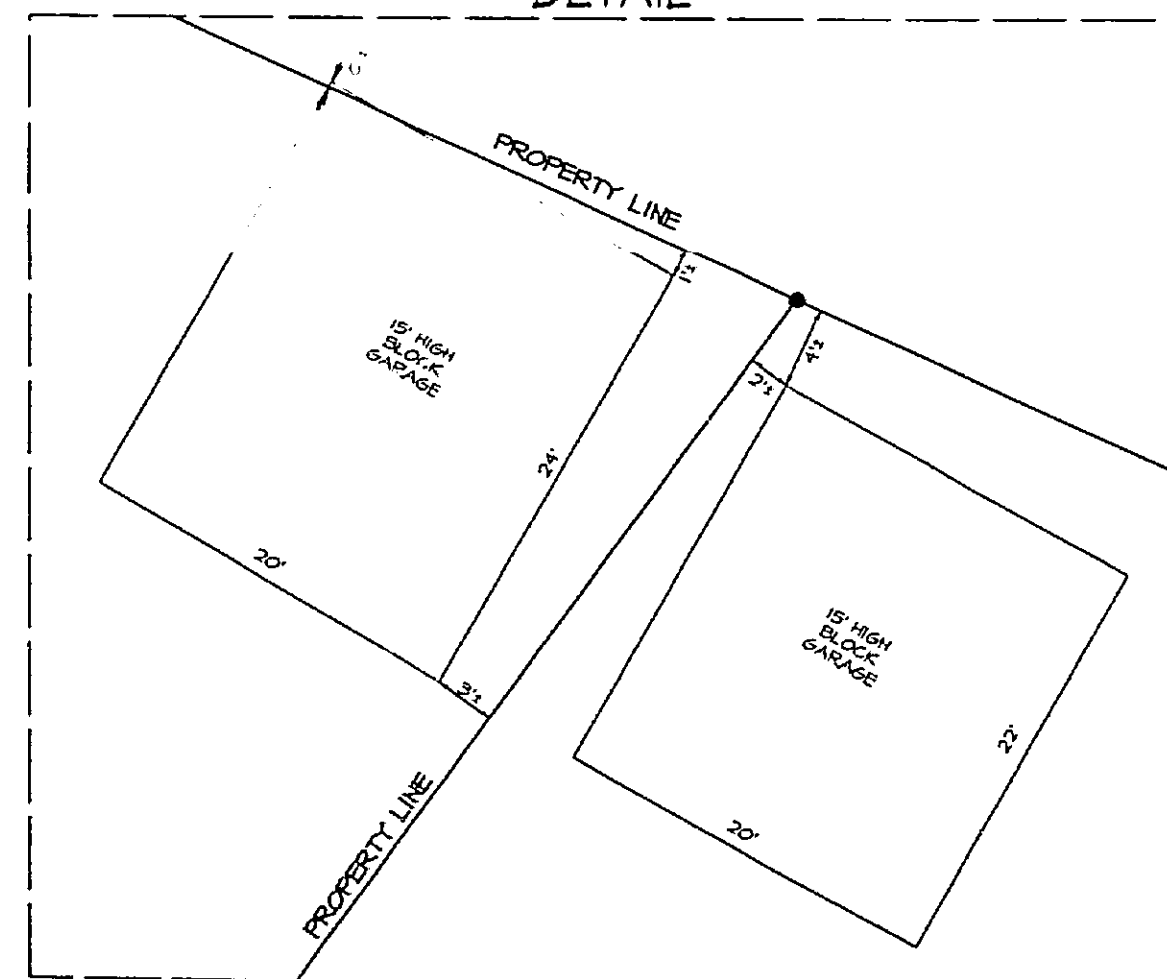
NORTH BOUND I-83 ON-RAMP
S.R.C. PLAT No. 12066

Mt. CARMEL ROAD
RELOCATED
S.R.C. PLAT No. 12066

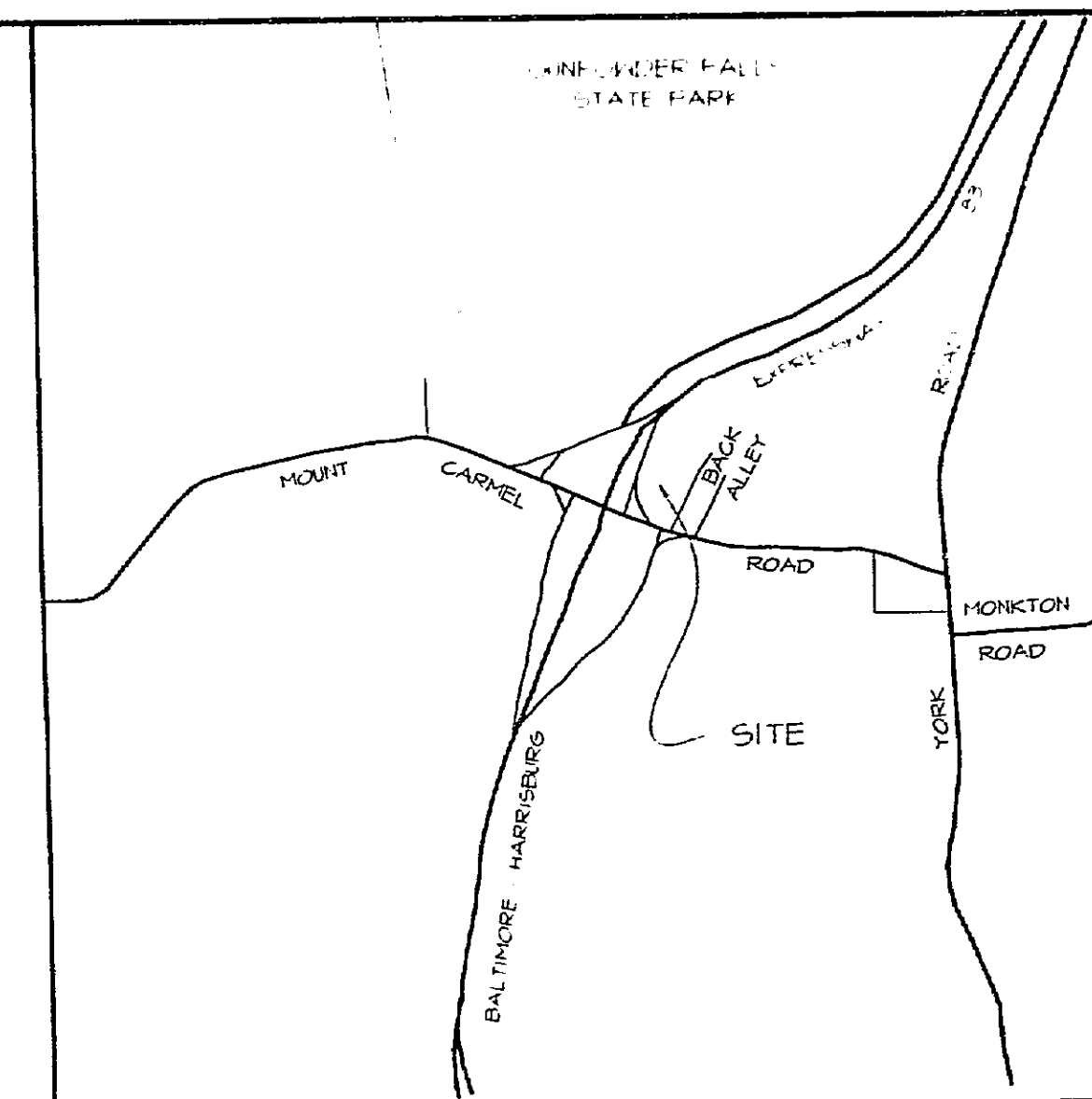
SYMBOLS LEGEND

- | | |
|-----------------------|---------------------|
| EXISTING WELL | ROADS LINE |
| EXISTING CLEANOUT | LIMIT OF WETLANDS |
| PROPERTY MARKER FOUND | EXISTING PAVING |
| | PROPOSED PAVING |
| | ZONING LINE |
| CONTOURS | OVERHEAD UTILITIES |
| | EVERGREEN SCREENING |

DETAIL



1" = 10'



Vicinity Map 1" = 2000'

GENERAL NOTES

- BOUNDARY SHOWN HEREON IS COMPILED FROM DEEDS OF RECORD WITHOUT BENEFIT OF A TITLE REPORT. NO BOUNDARY SURVEY WAS MADE ON THIS PROPERTY. ALTHOUGH LOCATION OF IMPROVEMENTS ARE BASED ON ACTUAL SURVEY MEASUREMENTS AND RELATED TO BALTIMORE COUNTY PHOTOGRAMMETRIC MAPS.
- TOPOGRAPHY SHOWN IS FROM BALTIMORE COUNTY 200 SCALE PHOTOGRAMMETRIC MAP NO. RM 21-C
- ORIGIN TRACT 4071 SUBDIVISION DISTRICT 13 SUBDIVISION DISTRICT 31
- NO SIGNS CURRENTLY EXIST NOR PLANNED FOR THIS SITE
- THIS SITE IS NOT IN A FLOOD PLAIN. THERE ARE NO UTILITIES NOR STORM DRAIN SHOWN ON THIS SITE IN BALTIMORE COUNTY ENGINEERING RECORDS.
- NO LANDSCAPE PLAN IS REQUIRED PER AVERY HARDIN OF BALTIMORE COUNTY DEPARTMENT OF ENGINEERING.
- THERE IS NO HISTORY OF ZONING HEARINGS PER BALTIMORE COUNTY ZONING OFFICE.
- THE PROPOSED USE IS COMMON ACCESS EASEMENT OVER THE AREA OF PROPOSED AND EXISTING PAVING ON BOTH PARCELS MUST BE EXECUTED UPON THE INDIVIDUAL SALE OF EITHER PARCEL PER RAHM FAMILI OF BALTIMORE COUNTY DEPARTMENT OF ENGINEERING.

PARKING CALCULATIONS

GENERAL OFFICE
2320 S.F. ± OF EXISTING GROSS FLOOR AREA
TIMES 3.3 SPACES PER 1000 S.F.
EQUALS 8 SPACES

MEDICAL OFFICE
IF USE IS CHANGED TO MEDICAL OFFICE, THE STREET CAN BE USED FOR SUBSEQUENT ADDITIONAL PARKING.
2320 S.F. ± OF EXISTING GROSS FLOOR AREA
TIMES 4.5 SPACES PER 1000 S.F.
EQUALS 11 SPACES
8 SPACES ON SITE & 3 SPACES ON THE STREET

F.A.R. CALCULATIONS
2320 S.F. ± OF EXISTING GROSS FLOOR AREA
24,745 S.F. ± OF GROSS SITE AREA
TIMES 2 (FLOOR TO SITE RATIO)
49,490 S.F. ALLOWABLE FLOOR SPACE

OWNER/DEVELOPER
GENERAL GERMAN AGED PEOPLES
HOME OF BALTIMORE CITY
900 SOUTHERLY DRIVE
BALTIMORE, MARYLAND 21204

EXPLANATION OF VARIANCES

- PETITION OF VARIANCE TO SECTION 230.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A ZERO FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 30 FEET FOR THE HOUSE AT 312 OLD Mt. CARMEL ROAD.
- PETITION OF VARIANCE TO SECTION 230.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A REAR YARD 11 FOOT SETBACK IN LIEU OF THE REQUIRED 30 FEET FOR THE HOUSE AT 312 OLD Mt. CARMEL ROAD.
- PETITION OF VARIANCE TO SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A ZERO FOOT SETBACK IN LIEU OF THE REQUIRED 25 FEET FROM AN ACCESSORY BUILDING TO THE REAR LOT LINE FOR THE GARAGE AT THE BACK OF 312 OLD Mt. CARMEL ROAD.
- PETITION OF VARIANCE TO SECTION 400.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A ZERO FOOT SETBACK IN LIEU OF THE REQUIRED 25 FEET FROM AN ACCESSORY BUILDING TO THE SIDE LOT LINE FOR THE GARAGE AT THE BACK OF 314 OLD Mt. CARMEL ROAD.

PLAN TO ACCOMPANY A CHANGE IN USE PERMIT AND A PETITION FOR ZONING VARIANCE TO SECTIONS 230.2 & 400.1 FOR THE PROPERTY OF GENERAL GERMAN AGED PEOPLES HOME OF BALTIMORE CITY

#312 & #314 Mt. CARMEL ROAD
Deed Ref: S.M. No. 8662 Folio 563
Tax Account Nos. 07-02-065250
& 07-02-067025

Zoned B.R.
Tax Map 22; Grid 13; Parcels 11 & 12
7th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30' JUNE 06, 1996

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
220 East Townsend Boulevard
Towson, Maryland 21286
(410) 823-4470

Ref. No. 1

DATE REV. 10N